

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

January 03, 2023

Nathan Ochsner, Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Non Drug Exhibit N-120, iPhone cellphone seized
from Timothy JONES, that is Stored at Premises
Controlled by DEA Houston, Texas

Case No.

4:23-mj-0002

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Non Drug Exhibit N-120, iPhone cellphone, that is Stored at Premises Controlled by DEA at 1433 West Loop South, Houston, Texas
located in the Southern District of Texas, there is now concealed (identify the person or describe the property to be seized):

See Attachment "A"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 21, USC, §§ 846,	Conspiracy to possess with intent to distribute a controlled substance

The application is based on these facts:
(See the Affidavit In Support of Search Warrant)

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Jason Havemann, Special Agent, DEA

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means).

Date: January 03, 2023

City and state: Houston, TX

Judge's signature

Dena Hanovice Palmero, United States Magistrate Judge

Printed name and title

4:23-mj-0002

AFFIDAVIT IN SUPPORT OF APPLICATION

I, Jason Havemann, being duly sworn, depose and state the following:

1. I am a Special Agent of the Drug Enforcement Administration (DEA). As a DEA Special Agent, I am empowered by law to conduct investigations of, and to make arrests for, offenses arising from the unlawful possession and distribution of controlled substances. I have been a Special Agent since August 2008. I am currently assigned to the DEA Houston Division Office, in Houston, Texas. I have participated in the investigation of the offenses more particularly discussed below, and I have reviewed reports prepared by other Special Agents of the DEA and other law enforcement agencies.

2. I submit this Affidavit in support of each Application For a Search Warrant for **Non Drug Exhibit N-119, a Samsung phone** and **Non Drug Exhibit N-120, an iPhone**, which are currently stored at the DEA Houston Division office at 1433 West Loop South, Houston, Texas.

3. I have specialized training and experience in the investigation of narcotics smuggling and distribution. I have participated in numerous narcotics investigations as the principal or lead case agent and as a co-case agent. I have debriefed numerous defendants, informants, and witnesses who had personal knowledge regarding major narcotics trafficking organizations. I have participated in many narcotics trafficking-related surveillance operations, and I have participated in many investigations involving court-authorized interceptions of wire and electronic communications. I am familiar with narcotics traffickers' methods of operation in the distribution, storage, and transportation

of narcotics, the collection of money which represents the proceeds of narcotics trafficking, and the laundering of proceeds derived from narcotics trafficking. I am aware that narcotics traffickers often communicate with their associates and/or customers via cellular telephones.

4. Further, based on my training, experience, and consultation with experienced narcotics investigators in the DEA and other agencies, I know that narcotics transactions often involve large amounts of controlled substances and/or U.S. Currency (hereafter USC) and often require the keeping of records which detail amounts of narcotics obtained and distributed, names, locations, and dates of distribution, and amounts of monies received and/or disbursed as payment for narcotics and other illegal services. Persons involved in the trafficking of controlled substances frequently maintain records of these illegal activities in the form of papers, books, notes, ledgers, and other documents. Further, persons involved in the illegal importation, storage, transportation, and distribution of controlled substances frequently maintain these records in residences owned by them, or over which they exercise dominion and control. The term "records" includes all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including computers and any other electrical, electronic, or magnetic form, any handmade form, any mechanical form, and any photographic form.

5. Further, based on my training, experience and consultation with experienced narcotics investigators in the DEA and other agencies, I know that persons involved in the illegal distribution of controlled substances frequently use telephones and cellular telephones to conduct narcotics transactions, including the use of these devices to

send and receive electronic communications and/or text messages. Further, those persons often obtain said communications devices through the use of fraudulent or fictitious names, or through the use of 'nominee' subscribers. I further know that evidence of these transactions and the identities of co-conspirators and others involved in narcotics trafficking can be obtained from telephone and cellular telephone bills and statements, as well as from the actual telephones, cellular telephones, 'iPhones,' 'smart-phones,' and associated caller identification devices. These bills and statements, as well as the communications devices, are often stored and maintained in residences, conveyances, and other areas under the dominion and control of those involved in narcotics trafficking.

6. I am familiar with the facts and circumstances of this investigation. This familiarity is based upon, among other things, my direct participation in the investigation, reviews of written reports prepared by myself and other investigating agents and officers, conversations with other federal, state, and local law enforcement officers who have participated in the investigation, information obtained from a DEA cooperating sources (CS), and other facts, circumstances and details I have learned during the course of this investigation.

Probable Cause

7. Since approximately May 2020, Drug Enforcement Administration (DEA) Houston Agents have been investigating a drug trafficking organization involving Nekia BYRD. Nekia BYRD was identified as a poly drug trafficker, including cocaine, methamphetamine and marijuana. In May 2020, DEA seized approximately one kilogram of methamphetamine which was obtained at 6114 Moss Oaks, Houston, Texas. The drug seizure led to a long term, multi-year investigation. During the investigation,

investigators also identified 6219 Great Oaks, Houston, Texas, as a location utilized by the **Nekia BYRD DTO** for drug distribution. Investigators discovered that 6114 Moss Oaks and 6219 Great Oaks were owned by **Nekia BYRD** and his wife.

8. In June 2022, ATF Tyler Special Agent (SA) Craig Redden contacted Affiant and stated that the ATF was conducting an investigation of Terrance WILLIAMS. ATF investigators had determined that Terrance WILLIAMS frequently drove to Houston, Texas and was believed to be purchasing methamphetamine during his trips to Houston, Texas. SA Redden informed Affiant that telephone tolls of Terrance WILLIAMS telephone (936)332-9805 reflected that Terrance WILLIAMS would contact telephone number (346)283-0525 when driving to Houston, Texas. SA Redden believed the user of telephone number (346)283-0525 to be Terrance WILLIAMS methamphetamine source of supply in Houston, Texas. A subpoena to AT&T, the service provider for telephone number (346)283-0525, revealed the number to be subscribed to Sharon R Jones, 9007 Knoxwood Street, Houston, TX. Affiant believed the telephone number to be used by Timothy JONES, at 6114 Moss Oaks, Houston, Texas. Public records checks have revealed that Timothy JONES has a former address of 9007 Knoxwood Street. Affiant also has learned that Sharon Jones is the mother of Timothy JONES.

9. On July 18, 2022, ATF SA Redden informed Affiant that Terrance WILLIAMS was en-route to Houston, Texas. Telephone tolls of Terrance WILLIAMS telephone number revealed that Terrance WILLIAMS had called Timothy JONES when he began his trip to Houston, Texas. ATF SA Redden and Affiant believed that Terrance WILLIAMS may be driving to Houston, Texas to purchase methamphetamine. DEA

Houston investigators established surveillance near 6114 Moss Oaks, Houston, Texas in anticipation of Terrance WILLIAMS arrival. Affiant observed Timothy JONES arrive at 6114 Moss Oaks followed by Timothy JONES mere minutes later. Telephone tolls of Terrance WILLIAMS telephone number showed that Terrance WILLIAMS called Timothy JONES telephone number (346)283-0525 at approximately the same time as Terrance WILLIAMS arrival at 6114 Moss Oaks. During the surveillance, investigators observed Terrance WILLIAMS remove a backpack from his vehicle and walk into 6114 Moss Oaks with the backpack. Several hours later, Terrance WILLIAMS exited 6114 Moss Oaks with the same backpack and placed it inside his vehicle. Terrance WILLIAMS later departed in his vehicle at which time investigators followed Terrance WILLIAMS to an area just South of San Augustine, Texas, which is several hours North of Houston, Texas. Texas Department of Public Safety (DPS) marked units attempted to conduct a traffic stop of Terrance WILLIAMS' vehicle, at which time Terrance WILLIAMS sped away in an attempt to abscond. Terrance WILLIAMS threw the backpack from his vehicle. Investigators recovered the backpack, which was discovered to contain 3,719 grams of methamphetamine. Investigators believe the methamphetamine was purchased from Timothy JONES in Houston, Texas. Terrance WILLIAMS was able to abscond from law enforcement officers but was indicted in the Eastern District of Texas for drug trafficking on October 19, 2022. Terrance WILLIAMS was arrested on November 16, 2022.

10. On November 2, 2022, Timothy JONES was indicted in the Eastern District of Texas (Beaumont) for violations of Title 21 USC 846 Conspiracy to possess with intent to distribute and distribution of a controlled substance. On November 16,

2022, DEA and the Houston Police Department executed a search warrant at 6114 Moss Oaks, Houston, Texas and anticipated arresting Timothy JONES at the same location. Timothy JONES was not at 6114 Moss Oaks on that day and was not arrested. During the search warrant, investigators discovered and seized approximately forty (40) pounds of marijuana and approximately one ounce of suspected methamphetamine from the location.

11. On November 19, 2022, the United States Marshals Service (USMS) located and arrested Timothy JONES in the area of 6214 Grey Oaks, Houston, Texas. Timothy JONES was in possession of **Non Drug Exhibit N-119, a Samsung phone** and **Non Drug Exhibit N-120, an iPhone**, which were seized by USMS Deputy Josh Hughes. Affiant submitted **Non Drug Exhibit N-119, a Samsung phone** and **Non Drug Exhibit N-120, an iPhone** to the DEA Houston Division Non Drug Evidence Custodian, located at 1433 West Loop South, Houston, Texas, as witnessed by DEA SA Kedwin Polanco.

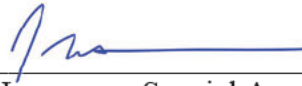
12. Affiant believes Timothy JONES' cellular telephones, **Non Drug Exhibit N-119, a Samsung phone** and **Non Drug Exhibit N-120, an iPhone**, contain evidence regarding drug trafficking. As mentioned in this Affidavit, Timothy JONES has used a telephone to communicate with Terrance WILLIAMS, for which, Affiant believes was for the purpose of drug trafficking.

17. Affiant believes the cellular telephones described in this Affidavit contain evidence regarding the drug trafficking activities of Timothy JONES and Terrance WILLIAMS. Affiant believes probable cause has been shown that Timothy JONES is

involved in drug trafficking, for which Timothy JONES was indicted on November 2, 2022.


CONCLUSION

18. Based on the foregoing information provided in this Affidavit, I believe that there is probable cause to believe the property or items to be seized, as described in Attachment "A," will be located within each of the respective cellular telephones. I further believe, based on the totality of the facts and circumstances of this investigation, my training and experience in the investigation of violations of federal narcotics laws, and discussions of the totality of the facts and circumstances with other Special Agents and Task Force Officers, that the item described in the Application For a Search Warrant and the Attachments, was used by Timothy JONES, and others, to commit, and they constitute evidence of, offenses in violation of Title 21, United States Code, § 846.



Jason Havemann, Special Agent
Drug Enforcement Administration
[sworn telephonically]

SUBSCRIBED AND SWORN TO me by telephone on the 3rd day of January 2023,
and I find probable cause.



DENA HANOVICE PALMERO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF TEXAS

Attachment "A"

PROPERTY TO BE SEIZED

1. Contents of cellular telephone to include cellular telephone identifiers, applications utilized by phone, call logs, stored contacts, images, videos, stored text messages, and stored multimedia messages.
2. IMSI information.
3. Cellular telephone number.
4. SIM card information.
5. External memory card.